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Remarks

Reconsideration of the application and allowance of all claims pending are respectfully requested. Claims 1, 2, 6 and 7 are pending.

Claim Rejection – Double Patenting:

Claims 1, 2, 6 and 7 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-14 of copending application 09/815,854. The claims of the '854 application or of this application may change during prosecution such that this provisional rejection is no longer appropriate to maintain. Since this is only a provisional rejection at this time, it is appropriate to defer a further detailed response to this rejection until otherwise allowable subject matter is indicated for this application or the '854 application becomes a patent.

Claim Rejection - 35 U.S.C. §102:

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. §102 as being anticipated by Snellman, WO98/23108. Applicants discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more non-discussed parts of the applied reference correspond to the claimed invention.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the applied reference is missing at least one element of each of applicants' independent claims, applicants respectfully submit that the claimed invention is not anticipated by the applied reference, as further discussed below.

Based on comments in the Office Action, it appears that there may be a misunderstanding with regard to the requirements of a present invention as defined by claim 1. In the "Response to Arguments" section of the Office Action it was indicated, "The applicant argues the prior art

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does not teach a comparison being performed during dialing. The primary examiner disagrees for several reasons:". Claim 1 does not require a comparison of numbers being performed during dialing, and in applicant's preceding reply arguments were not presented relating to a comparison being performed during dialing.

Claim 1 recites the step of comparing a first non-emergency telephone number associated with a current location of the handset in a previously determined non-emergency telephone number. It will be noted that there is no recitation that this comparison be performed during dialing.

Claim 1 further recites that if the first non-emergency telephone number is different than the

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